19/12/07

(21)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.7425 of 2007

PETITIONER Santosh Giri Goswami, S/o Shri Chinta Giri Goswami, aged about 40 years, Assistant Teacher, Government Primary School, Kutra, Block Nawagarh, District Janjgir-Champa (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through The Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, District Janjgir-Champa (C.G.)
3. The Block Education Officer, Block Nawagarh, District Janjgir-Champa (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri Ashwani Shukla, counsel for the petitioner.

Ms. Sunita Jain, Panel Lawyer, for the State on advance copy.

ORAL ORDER
(17.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed D.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioner is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, she submits that the order may be

passed in terms of the said judgment, but it shall be subjected to verification regarding petitioner's such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioner had acquired D.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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